

state of positive institution; and varies in form and degree with the various nations by whose laws it is regulated; or within which country, she, with her husband, may, for the time being, have their domicil. *Feaubert v. Trust, Prec. Cha.* 207; *Doe v. Vardill*, 11 *Com. Law Rep.* 266. The incapacity of an infant, is, in some respects, both natural and artificial. For some time after birth, the incapacity of an infant, both bodily and mental, being natural and alike in all countries, must accordingly be every where so considered. Yet after that period of mere infantine imbecility, there is a space of non-age established by law, which is different in different countries.

But as the exact point of full age has been every where regulated, chiefly with a view to the disposition of property, what is to be deemed full age, must therefore be determined, in each State, according to that right of disposition. Claims to land and immovable property are always regulated by the law of the place where it is situated; and hence, although these female infants would here, on their attaining the age of eighteen, have a right to dispose by will, of their real estate here; 1798, ch. 101, sub-ch. 1, s. 3; yet, they may not be allowed to make any such disposition of their land in Trinidad, until they attain the age of twenty-one years. And as the disposition of personal property is, with some qualifications, allowed by all nations to be governed by the law of the owner's domicil, it follows, that full age, as established by that law, must give a capacity to dispose of such property, wherever it may be found. Except however, that every person, whether temporarily or permanently living in a country, must, as to all his personal capacities, during his residence there be governed by the law of the place; as, in general the personal capacity is regulated by the law of the country. *Ex parte Gillam*, 2 *Ves. Jun.* 587; *In the matter of Houston*, 1 *Russ.* 312; *Male v. Roberts*, 3 *Esp. N. P. Rep.* 163; *Dalrymple v. Dalrymple*, 4 *Ecclesi. Rep.* 485; *Herbert v. Herbert*, 4 *Ecclesi. Rep.* 535; *Ruding v. Smith*, 4 *Ecclesi. Rep.* 551; *Harford v. Morris*, 4 *Ecclesi. Rep.* 575; *Middleton v. Janzerin*, 4 *Ecclesi. Rep.* 582; *Doe v. Vardell*, 11 *Com. Law Rep.* 266. And consequently, in the case under consideration, no great difficulty can arise in fixing the exact termination of the infancy of these children, or the duration of the guardianship, that may be here assumed over them.

Among the important duties which a State owes to itself, is wrapped up, that obligation by which it is bound to take care of all *its own citizens. Upon which obligation each member
492 of the community, as a component part of the whole, has a clear and undeniable claim upon the State for its assistance, in all cases, where, either because of the overruling circumstances in which he may be placed, or because of his own peculiar imbecility, he is incapable of sustaining himself. Hence it is, that,